

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WILLIAM EDWARDS,

Plaintiff,

-v-

MARTIN HORN, *et al.*,

Defendants.

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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DATE FILED: 5-4-12

No. 10 Civ. 6194 (RJS) (JLC)

ORDER ADOPTING REPORT AND  
RECOMMENDATION

RICHARD J. SULLIVAN, District Judge:

By Order dated September 1, 2010, this matter was referred to the Honorable James L. Cott, Magistrate Judge. On March 8, 2012, this Court adopted Judge Cott's Report and Recommendation, dated February 14, 2012, and granted Defendants' motion to dismiss "as to all but one of Plaintiff's claims" – the claim for retaliatory termination against Defendant Rosa and "only to the extent that Plaintiff seeks nominal or punitive damages against her." On April 13, 2012, Judge Cott issued a subsequent Report and Recommendation (the "Report"), recommending that the Court dismiss the remaining claim against Defendant Rosa with prejudice pursuant to Rules 16(f) and 41 of the Federal Rules of Civil Procedure. In the Report, Judge Cott advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b). No party has filed objections to the Report, and the time to do so has expired. *Cf. Frank v. Johnson*, 968 F.2d 298 (2d Cir. 1993).

When no objections to a report and recommendation are made, the Court may adopt the report if there is no clear error on the face of the record. *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005); *La Torres v. Walker*, 216 F. Supp. 2d 157, 159 (S.D.N.Y.

2000). After reviewing the record, the Court finds that Judge Cott's well-reasoned Report is not facially erroneous. Accordingly, the Court adopts the Report in its entirety and, for the reasons set forth therein, dismisses with prejudice Plaintiff's only remaining claim against Defendant Rosa. The Clerk of the Court is respectfully directed to close this case.

SO ORDERED.

Dated: May 4, 2012  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES DISTRICT JUDGE

A copy of this Order has been mailed to:

William Edwards  
660 Hegeman Ave  
Apt #6-D  
Brooklyn, NY 1120